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November 12, 2009

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Jeff S. Jordan, Esq.
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Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

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OFFICE OF GENERAL
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Re: Matter Under Review 6215 (Maizie Pusich)

Dear Mr. Jordan,

On behalf of our client, Maizie Pusich, I am writing in response to Randy Spitzmesser's complaint filed with the Commission on September 28, 2009. By the Commission's letter dated October 20, 2009, the time for this response was extended to the close of business on November 19, 2009. As counsel for Mrs. Pusich, I respectfully request that the Commission find no reason to believe Mrs. Pusich committed a violation of federal campaign finance laws, and take no further action against her in this matter. See 2 U.S.C. § 437g(a)(1); 11 C.F.R. § 111.6(a).

Factual Background

Mrs. Pusich serves as Deputy Chief Public Defender in the Washoe County Public Defender's Office in Reno, Nevada. (See Declaration of Maizie Pusich ("M. Pusich Decl.") ¶ 1, Nov. 6, 2009.) She is married to James Patrick Pusich, who is an architect at Tate Snyder Kimsey Architects, Ltd. ("TSK"). (*Id.*, Declaration of James Patrick Pusich ("J. Pusich Decl.") ¶ 1, Nov. 6, 2009.)

In February 2009, Mrs. Pusich learned from her husband about a fundraising luncheon event for United States Senator Harry Reid that was to be held in Las Vegas, Nevada, on February 17, 2009. (M. Pusich Decl. ¶ 2, J. Pusich Decl. ¶ 4.) Mr. Pusich's business colleague, Windom Kimsey, had informed Mr. Pusich of the fundraising event. Although Mrs. Pusich did not contact any TSK personnel about the fundraiser, she wanted to participate in the event by contributing to Senator Reid's re-election campaign. (M. Pusich Decl. ¶ 2.)

Mrs. Pusich voluntarily contributed \$500 to Senator Reid's campaign. Prior to the fundraising luncheon, she wrote a check for \$500 to the Reid campaign from the joint checking

account she shares with her husband. (*Id.* ¶ 3.) The check was drawn from personal funds she and her husband had earned. Neither Mrs. Pusich nor her husband attended the Reid Event. (M. Pusich Decl. ¶ 3, J. Pusich Decl. ¶ 4.)

Mr. Pusich was not pressured by TSK to contribute to the fundraiser, and neither Mrs. Pusich nor her husband were reimbursed for her contribution to the Reid Event. (M. Pusich Decl. ¶ 4, J. Pusich Decl. ¶¶ 5-6.)

Although Mrs. Pusich is identified on Senator Reid's Federal Election Commission disclosure report as an architect employed by TSK, she did not communicate this information to the Reid campaign. (M. Pusich Decl. ¶ 5.)

Analysis

Mrs. Pusich is not identified as a potential Respondent in Mr. Spitzmesser's complaint and she did not violate any campaign finance laws or regulations by making a voluntary contribution to Senator Reid's campaign.

First, Mrs. Pusich and her husband were not reimbursed for her contribution, and they did not request a reimbursement from TSK. (M. Pusich Decl. ¶ 4, J. Pusich Decl. ¶ 6.) Mrs. Pusich and her husband also were not coerced to contribute to the Reid campaign by TSK personnel. (M. Pusich Decl. ¶ 2, J. Pusich Decl. ¶¶ 5.)

Second, Mrs. Pusich was not unlawfully solicited by TSK to contribute to the Reid campaign. Mrs. Pusich's husband is a member of TSK's restricted class, and may be solicited for contributions to be sent directly to federal candidates. *See* 11 C.F.R. § 114.2(f)(4)(ii). A corporation's restricted class includes individuals serving as executive or administrative personnel, who are paid by salary, and who have managerial or supervisory responsibilities. *See id.* § 114.1(c), (j). A corporation's restricted class also includes the family members of such individuals. *Id.* § 114.1(j).

Since 2005, Mr. Pusich has earned a salary working at TSK, and has served as a Project Architect responsible for supervising some of TSK's large design projects. (J. Pusich Decl. ¶ 1.) Based upon his position and responsibilities for the company, Mr. Pusich qualifies as a member of TSK's restricted class. Accordingly, Mr. Kimsey, a TSK principal, was permitted to solicit Mr. and Mrs. Pusich for a contribution to the Reid campaign.

Third, Mrs. Pusich did not submit false contributor information to Senator Reid's campaign. (M. Pusich Decl. ¶ 5.) Mr. Spitzmesser's complaint alleges that Mrs. Pusich's contribution may have been fraudulently "reported to the Federal Election Commission to give the appearance" that she was a TSK employee for TSK's benefit. (Compl. ¶ 4, Sept. 28, 2009.) However, Mrs. Pusich did not represent to the Reid campaign that she was employed by TSK, and was not asked to do so by TSK personnel in order to inflate fundraising totals.

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Because the facts show that Mrs. Pusich committed no violation of federal campaign finance laws, we respectfully request that the Commission find no reason to believe a violation has occurred, and close the matter with no further action against her.

If you have questions or require additional information, please do not hesitate to contact me at (202) 756-8333.

Respectfully submitted,

 JB
Stephen M. Ryan

(1) Enclosure